MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

April 13, 2010

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: Joe Brown, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove,

Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins.

William Boyd was absent

THE MEETING WAS CALLED TO ORDER BY SERGEANT-AT-ARMS

INVOCATION

The meeting was opened with prayer by Ms. Thelma Nelms, Director of Mission Possible Christian Outreach Service Mission. Councilwoman Ware presented Ms. Nelms with a certificate naming her Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of March 23, 2010 with the following motion:

MOTION: Ware – Reconsider Item #25

SECOND: Brown

Chairman Collins stated that Councilwoman Ware was not on the prevailing side and ruled her motion out of order

MAIN MOTION: Ford

SECOND: Morrison

AYES: Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland,

Ware and Chairman Collins Conrad did not cast a vote

Boyd was absent

APPROVED

1. RESOLUTION RECOGNIZING MELROSE BOYS' VARSITY BASKETBALL TEAM FOR WINNING THE 2010 AAA STATE CHAMPIONSHIP.

MOTION: Halbert SECOND: Ware

APPROVED, by unanimous voice vote

2. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF QUINCE ROAD, BEGINNING 600 FEET WEST OF KIRBY PARKWAY AND EXTENDING WEST TO WHEELS COVE, CONTAINING 54.8 ACRES IN AN AREA CURRENTLY GOVERNED BY THE CONDITIONS FOR P.D. 05-355.

Case No. PD 10-303

Chairman Collins recognized the following person who spoke from the audience:

Patsy Smith, 6870 Norhan Cove, Mphs, TN 38119

Applicant: KG Land, LLC (Walter Willis)

Fisher and Arnold, Inc., David Baker – Representative

Request: Amendment to Kirby Gate P.D. to add office showroom, automobile service and

restaurant with drive thru windows

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford SECOND: Morrison

AYES: Flinn, Ford, Fullilove, Hedgepeth, Lowery, Morrison, Strickland, Ware and

Chairman Collins

NAYS: Brown

Conrad and Halbert did not cast a vote

Boyd was absent

APPROVED, as amended

3. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF BLYTHE STREET AND NELSON AVENUE, CONTAINING 0.45 ACRE IN THE SINGLE FAMILY RESIDENTIAL (RS-6) DISTRICT.

Case No. PD 10-304

Applicant: MDS Realty, LLC – (Jim Petitt)

David W. Milem Consulting Engineer – Representative

Request: 1) Re-use church for storage, audio-visual recording studio, student lessons and

upstairs apartment; 2) Maintain existing single family house; 3) Provide parking

for drum shop staff; 4) Permit temporary tents (3 year) for special events

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford SECOND: Morrison

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Lowery, Morrison, Strickland, Ware and

Chairman Collins

Halbert and Hedgepeth did not cast a vote

Boyd was absent

APPROVED, as amended

4. RESOLUTION APPROVING A HOTEL WAIVER FOR SUN INN LOCATED AT 1543 ELVIS PRESLEY BOULEVARD. (Held from 3/9; 3/23)

Case No. HMW 10-01

MOTION: Ford SECOND: Fullilove

MAIN MOTION: Lowery – 6 month hotel waiver to give the applicant time to clean up their

clientele and to communicate with the Police Dept. Then the applicant will come

back before the Council

SECOND: Brown

APPROVED, without objection. This item stands by acclamation and no vote is necessary

5. RESOLUTION APPROVING A HOTEL WAIVER FOR THE RADDISON HOTEL LOCATED AT 2411 WINCHESTER ROAD.

Case No. HMW 10-02

MOTION: Ford SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Boyd was absent

APPROVED

6. RESOLUTION APPROVING A USE VARIANCE ON THE EAST SIDE OF MALONE ROAD 900 FEET SOUTH OF HOLMES AND THE SOUTHWEST CORNER OF HOLMES ROAD AND PLEASANT HILL ROAD, CONTAINING 475 ACRES IN THE AGRICULTURE (AG) DISTRICT.

Case No. UV 10-01

Applicant: BFI Waste Systems of North America

Homer Branan and John Harris, Jr. - Representative

Request: Time extension to continue to operate sanitary landfill

LUCB and OPD recommendation: APPROVAL

No Public Hearing Required; No Opposition at LUCB

MOTION: Ford SECOND: Morrison

AYES: Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Flinn did not cast a vote

Boyd was absent

APPROVED

7. RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHWEST CORNER OF TEXAS STREET AND SOUTH PARKWAY EAST, CONTAINING 0.785 ACRE (34,195 SQ. FT.) IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.

Case No. UV 10-02

Applicant: Mt. Zion M. B. Church

Smith Building Design (Delinor Smith) – Representative

Request: Use Variance to allow church parking

LUCB and OPD recommendation: APPROVAL, with conditions

No Public Hearing Required; No Opposition at LUCB

MOTION: Ford SECOND: Brown

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Boyd was absent

APPROVED

8. RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHEAST CORNER OF MANASSAS STREET AND WELLS AVENUE, CONTAINING 4,000 SQ. FT., IN THE SINGLE-FAMILY RESIDENTIAL (R-S6) DISTRICT.

Case No. UV 10-03

Chairman Collins recognized the following persons who spoke from the audience:

Jordan Davis, 325 Greenlaw, Mphs, TN 38105 Ptosha Davis, 325 Greenlaw, Mphs, TN 38105

Applicant: William H. Lee

Request: Amend site plan to enlarge a restaurant use previously approved by a use

variation

LUCB and OPD recommendation: APPROVAL, with conditions

No Public Hearing Required; No Opposition at LUCB

MOTION: Ford SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Boyd was absent

APPROVED, as amended

9. ORDINANCE REZONING THE NORTHWEST SIDE OF S. THIRD STREET; +/-191.93 FEET NORTHEAST OF W. HOLMES ROAD, CONTAINING 1.21 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) AND HIGHWAY COMMERCIAL (C-H) DISTRICTS, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5350 Case No. Z 10-101

Applicant: Howard and Lawrence Lipman

SR Consulting, LLC - Representative

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

MOTION: Ford SECOND: Fullilove

AYES: Brown, Conrad, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins Flinn did not cast a vote Boyd was absent

APPROVED

45. RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHWEST CORNER OF WALKER AVENUE AND BLYTHE STREET, CONTAINING 0.36 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.

Case No. UV 10-05

Applicant: Cooper Young Community Farmers Market

Robin Rodriguez - Representative

Request: Community Farmer's Market

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Ford SECOND: Morrison

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Ware and Chairman Collins Strickland did not cast a vote

Boyd was absent

APPROVED

<u>CONSENT AGENDA – Items 10-13 & 43 may be acted upon by one motion: SEE PAGE 1447</u> <u>FOR ROLL CALL</u>

10. ORDINANCE TO AMEND CHAPTER 21, MOTOR VEHICLES AND TRAFFIC, ARTICLE IX, INSPECTION OF VEHICLES TO REQUIRE ANNUAL INSPECTION ONLY FOR VEHICLES FOUR (4) YEARS OLD OR OLDER, UP FOR F I R S T READING.

Ordinance No. 5351

APPROVED, on First reading

11. RESOLUTION APPROVING FINAL PLAT OF LEGENDS PARK PD, PH. 3.

Case No. PD 07-338

Resolution approves the final plat located at the corner of Poplar Ave. and Ayers St. Cost of the required improvements to be borne by the Developer.

April 13, 2010

City Engineer recommends approval

APPROVED

12. RESOLUTION APPROVING FINAL PLAT OF UPTOWN CENTER WEST SUBDIVISION.

Case No. S 09-010 Contract No. CR-5155

Resolution approves the final plat located on the southwest corner of Mill Avenue and Thomas Street. Cost of the required improvements to be borne by the Agency, Developer and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

- 13. NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:
 - A. <u>Case No. PD 10-305</u> Memphis Business Academy P.D., Amended

Public Hearing Set for April 27, 2010

43. ORDINANCE AMENDING CHAPTER 21, ARTICLE V, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE REGULATIONS REGARDING THE OPERATION OF BICYCLES WITHIN THE CITY OF MEMPHIS, UP FOR F I R S T READING.

Ordinance No. 5352

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford SECOND: Flinn

AYES: Brown, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, Strickland,

Ware and Chairman Collins

Ford and Morrison did not cast a vote

Boyd was absent

APPROVED

April 13, 2010

MLGW FISCAL CONSENT – Items 14-18 & 20-31 may be acted upon by one motion:

14. RESOLUTION AWARDING CONTRACT NO. 11366, RETROFIT OF HIGH-PRESSURE UNDERGROUND TRANSMISSION CABLE TERMINATIONS, TO W. A. CHESTER, L.L.C., IN THE FUNDED AMOUNT OF \$1,398,000.00.

APPROVED

15. RESOLUTION APPROVING CONTRACT NO. 11428, OTHER POST-EMPLOYMENT BENEFITS (OPEB) TRUST AUDIT, WITH BANKS, FINLEY, WHITE AND COMPANY, IN THE FUNDED AMOUNT OF \$65,000.00.

APPROVED

16. RESOLUTION APPROVING CONTRACT NO. 11429, RETIREMENT AND PENSION SYSTEM AUDIT, WITH BANKS, FINLEY, WHITE AND COMPANY, IN THE FUNDED AMOUNT OF \$97,500.00.

APPROVED

17. RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10344, COMPUTER ASSOCIATES COMBINED PRODUCTS, WITH COMPUTER ASSOCIATES INTERNATIONAL, INC. IN THE FUNDED AMOUNT OF \$1,069,510.00. (THIS CHANGE RENEWS THE CONTRACT FOR A FIVE-YEAR TERM, APRIL 28, 2010 TO APRIL 27, 2015, WITH A SAVINGS OF \$148,070.00 FOR SUPPORT DURING THE TERM).

APPROVED

18. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10793, PROFESSIONAL PORTFOLIO SOFTWARE, WITH ADVENT SOFTWARE, INC. IN THE FUNDED AMOUNT OF \$27,550.10. (THIS CHANGE PROVIDES ANNUAL MAINTENANCE AND SOFTWARE UPGRADE FROM AXYS VERSION 3.7 TO AXYS VERSION 3.8, AND RENEWS THE CONTRACT FOR THE PERIOD MAY 11, 2010 THROUGH MAY 10, 2011, WITH A 4.35% INCREASE FROM THE PREVIOUS YEAR DUE TO THE SOFTWARE UPGRADE).

APPROVED

19. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11213, METER DATA MANAGEMENT SYSTEM, WITH ITRON, INC. IN THE FUNDED AMOUNT OF \$16,501.19, FOR A NEW CONTRACT VALUE OF \$507,354.49. (THIS CHANGE RATIFIES PREVIOUS INVOICE PAYMENTS FOR TRAVEL IN THE AMOUNT OF \$13,373.59 AND AUTHORIZES PAYMENT OF INVOICES FOR TRAVEL IN THE AMOUNT OF \$3,127.60).

Back to Committee on April 27, 2010

20. RESOLUTION AWARDING CONTRACT FOR MESH WIRE SCREENS AND ACCESSORIES TO JESCO INDUSTRIES IN THE AMOUNT OF \$50,645.00.

APPROVED

21. RESOLUTION AWARDING 60-MONTH CONTRACT FOR DISTRIBUTION TRANSFORMERS, AS FOLLOWS:

Howard Industries	\$11,217,508.00
Central Moloney, Inc	1,559,399.40
ERMCO c/o Utility Sales Agency	1,882,170.90
CG POWER Systems USA, Inc	6,666,261.70
60-Month Total:	\$21,325,340.00

APPROVED

22. RESOLUTION APPROVING AGREEMENT BETWEEN MLGW AND TVA WHEREBY MLGW WILL PROVIDE \$50,000.00 TO TVA'S COMPREHENSIVE SERVICES PROGRAM AND TVA WILL MATCH WITH AN ADDITIONAL \$50,000.00. MLGW'S FUNDING (\$50,000.00) IS REIMBURSABLE THROUGH FEDERAL ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) FUNDING.

APPROVED

23. RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT BETWEEN MLGW (ACTING FOR ITSELF AND ON BEHALF OF THE CITY OF MEMPHIS, TENNESSEE) AND TVA, PROVIDING ARRANGEMENTS PURSUANT TO WHICH TVA AGREES TO SERVE AS THE RESPONSIBLE PARTY TO THE NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION (NERC) AND THE SERC RELIABILITY CORPORATION (SERC) FOR MLGW'S COMPLIANCE WITH THE NERC FUNCTIONAL MODEL RELIABILITY STANDARDS. TVA SHALL BE PAID AN ADMINISTRATIVE FEE OF \$10,000 PER MONTH NOT TO EXCEED \$80,000. THIS AMENDMENT WILL EXTEND THE CONTRACT FOR THE PERIOD BEGINNING MAY 1, 2010 AND ENDING DECEMBER 31, 2010.

APPROVED

24. RESOLUTION GIVING MLGW'S VICE PRESIDENT AND GENERAL COUNSEL SETTLEMENT AUTHORITY TO PAY A CLAIM IN THE AMOUNT OF \$37,080.47.

APPROVED

25. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10929, LICENSING AGREEMENT BETWEEN MLGW AND E-SOURCE, INC., IN THE FUNDED AMOUNT OF \$187,700.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE TERM MAY 1, 2010 TO APRIL 30, 2011, REMOVES THE MANAGED ACCOUNT SERVICE (MAS), AND ADDS THE BUSINESS MARKETS SERVICE).

APPROVED

26. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11277, EMERGENCY GENERATOR FOR SHAW PUMPING STATION, WITH TRI-STATE ARMATURE & ELECTRICAL WORKS, INC., IN THE FUNDED AMOUNT OF \$6,333.00, FOR A NEW CONTRACT VALUE OF \$1,679,980.00. (THIS CHANGE COVERS THE RELOCATION OF VEEDER ROOT (VR) CONDUITS TO PREVENT OVERFILLING AND SPILLING, AND A TWO-MAN OPERATING CREW).

APPROVED

27. RESOLUTION AWARDING 60-MONTH STRATEGIC ALLIANCE CONTRACT COVERING THE PERIOD MAY 3, 2010 TO MAY 2, 2015, FOR SUBSTATION METAL-CLAD SWITCHGEAR COMPLEXES TO AZZ/CENTRAL ELECTRIC MANUFACTURING COMPANY C/O HV SALES COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$15,000,000.00.

APPROVED

28. RESOLUTION APPROVING EXERCISE OF OPTION TO EXTEND CONTRACT WITH PENCCO, INC. FOR A SECOND 12-MONTH PERIOD, MAY 20, 2010 TO MAY 19, 2011, FOR FLUOROSILICIC ACID IN THE AMOUNT OF \$790,432.00.

APPROVED

29. RESOLUTION AWARDING 24-MONTH CONTRACT COVERING THE PERIOD APRIL 28, 2010 TO APRIL 27, 2012, FOR ELECTRIC METER COVERS TO VINCENT SALES, INC. IN THE AMOUNT OF \$33,264.00.

APPROVED

30. RESOLUTION AWARDING 24-MONTH CONTRACT COVERING THE PERIOD APRIL 28, 2010 TO APRIL 27, 2012, FOR LUMINAIRE PENDANTS TO STUART C. IRBY IN THE AMOUNT OF \$333,880.00.

APPROVED

31. RESOLUTION APPROVING PAYMENT TO U. S. DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, FOR PIPELINE USER FEE IN THE AMOUNT OF \$42,142.23.

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Brown – Send Item #19 back to Committee for discussion

SECOND: Fullilove

The Chairman stated that without objection Item #19 will be sent back to Committee

MAIN MOTION: Fullilove

SECOND: Ware

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland,

Ware and Chairman Collins Hedgepeth did not cast a vote

Boyd was absent

APPROVED, with the exception of Item #19 which will go back to Committee on April 27, 2010

42. RESOLUTION APPROVING THE HEALTHCARE PLAN RECOMMENDATION.

Chairman Collins recognized the following person who spoke from the audience:

Mike Lee, 6356 Wedgewick Cove, Mphs, TN 38134

MOTION: Strickland SECOND: Ford

AYES: Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Brown did not cast a vote

Boyd was absent

APPROVED

MOTION: Strickland – Delete the June 8th date from the resolution

SECOND: Morrison

AYES: Conrad, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman

Collins

NAYS: Brown, Flinn, Fullilove and Halbert

Boyd was absent

APPROVED, set up as Special Item #2

MAIN MOTION: Brown – I would like to present a resolution regarding panhandling

SECOND: Flinn

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,

Strickland, Ware and Chairman Collins

Boyd was absent

APPROVED, as amended, set up as Special Item #1

34. ORDINANCE AMENDING CITY OF MEMPHIS CODE OF ORDINANCES, SECTION 20-28, RELATIVE TO PANHANDLING, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5348

Chairman Collins recognized the following persons who spoke from the audience:

Douglas Browne, 149 Union Ave., Mphs, TN 38103

Dr. David Ciscel, 1950 Nelson, Mphs, TN 38104

Paul Crum, 3407 Gatewood Dr., Mphs, TN 38134

Jacob Flowers, 1000 S. Cooper, Mphs, TN 38104

Charles Harbour, 109 N. Main St., Mphs, TN 38103

John Harkless, 1000 S. Cooper, Mphs, TN 38104

Richard Janikowski, 8445 Chippingham Dr., Cordova, TN 38016

Kyle Kordsmeier, 1888 Walker Ave., Mphs, TN 38114

Scott Kramer, 588 Buck St., Mphs, TN 38111

Bob Owens, 10 S. Main St., Apt. #1203, Mphs, TN 38103

Jeff Sanford, 114 N. Main St., Mphs, TN 38103

Amy Santee, 1572 Overton Park, Apt. #7, Mphs, TN 38112

Christine Shelton, 147 S. Main St., Mphs, TN 38103

John M. Stygles, 1374 N. Parkway, Mphs, TN 38104

Ed Wallin, 5067 Waters Edge Cove N., Mphs, TN 38141

Brad Watkins, 210 Summit, Mphs, TN 38104

Terry Woodard, 449 Tennessee St., Mphs, TN 38103

MOTION: Lowery SECOND: Morrison

AYES: Conrad, Ford, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman

Collins

NAYS: Flinn and Fullilove

Brown and Halbert abstained

Boyd was absent

APPROVED

35. ORDINANCE TO CREATE THE CITY OF MEMPHIS ALCOHOL IMPACT AREA, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5349

Held to April 27, 2010

44. RESOLUTION TO APPROPRIATE FUNDS FOR MCS IN THE FOLLOWING AMOUNTS:

\$20,000,000.00 - May 1, 2010

\$20,000,000.00 - June 1, 2010

\$10,000,000.00 – by October 1, 2010

Lawsuits will continue as prescribed and filed and MCS agrees to pay Charter School funds, as outlined and agreed upon previously.

MOTION: Collins SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Fullilove, Halbert, Morrison, Strickland, Ware and

Chairman Collins

NAYS: Lowery

Ford abstained

Hedgepeth did not cast a vote

Boyd was absent

APPROVED

32. **APPOINTMENT**

Memphis and Shelby County Industrial Development Board

Reappointment

Mark Yates

MOTION: Strickland SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Fullilove, Halbert, Lowery, Strickland, Ware and

Chairman Collins

Ford, Hedgepeth and Morrison did not cast a vote

Boyd was absent

<u>APPROVED</u>

33. REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO REPEAL THE PROCEDURE STAGGERED TERMS AND TO PROVIDE FOR THE ELECTION OF THE MEMPHIS CITY COUNCIL, OFFICE OF THE MAYOR AND CITY COURT CLERK, TO FOUR-YEAR TERMS, UP FOR THIR D AND FINAL READING. (Held from 3/23)

Ordinance No. 5347

Friendly Amendments:

MOTION: Flinn – Page 1 under QUESTION – remove the word reinstate and replace it with

the word restore and add a limit of two, consecutive four-year terms, SECTION 4 - PROPOSAL and PREFERENCE (in the 2nd paragraph) – add a limit of two, consecutive four-year terms, SECTION 4 – PROPOSAL and PREFERENCE (in

the 4th paragraph) – add a limit of two, consecutive four-year terms

April 13, 2010

Councilman Strickland accepted Councilman Flinn's Friendly Amendments

MAIN MOTION: Strickland

SECOND: Flinn

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and

Chairman Collins

NAYS: Lowery

Hedgepeth did not cast a vote

Boyd was absent

APPROVED, as amended

36. RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY OWNED PROPERTY LOCATED ADJACENT TO 960 SOUTH THIRD STREET. (Held from 3/23)

MOTION: Strickland SECOND: Ford

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Morrison, Strickland, Ware and

Chairman Collins

Hedgepeth and Lowery did not cast a vote

Boyd was absent

APPROVED

37. RESOLUTION ACCEPTING THE MEMPHIS HOUSING AUTHORITY TRANSFER OF MANASSAS SCHOOL TO THE CITY OF MEMPHIS.

MOTION: Brown SECOND: Morrison

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland,

Ware and Chairman Collins Hedgepeth did not cast a vote

Boyd was absent

APPROVED

38. RESOLUTION REQUESTING THE ADMINISTRATION TO REMOVE FUNDING FROM PROPOSED FY 2011 O&M BUDGET TO COVER COSTS ASSOCIATED WITH VEHICLE INSPECTIONS.

MOTION: Ware – Hold for 30 days

SECOND: Fullilove

Chairman Collins stated that without objection this item will be held for two weeks. There was objection so a vote was taken below

MAIN MOTION: Ware SECOND: Fullilove

AYES: Brown, Flinn, Ford, Fullilove, Halbert, Ware and Chairman Collins

NAYS: Conrad, Morrison and Strickland

Hedgepeth and Lowery did not cast a vote

Boyd was absent

APPROVED, item held to May 11, 2010, set up as Special Item #3

39. RESOLUTION AMENDING THE FY10 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$1,053,500.00 IN FEDERAL GRANT FUNDS FROM CONTRACT CONSTRUCTION TO ARCHITECTURE AND ENGINEERING, IN ARRA REPAVING PROJECT NUMBER PW01198. THIS ALLOCATION WILL BRING FUNDING IN LINE WITH GUIDELINES RECOMMENDED BY THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT).

MOTION: Strickland SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Ford, Halbert, Morrison, Strickland, Ware and Chairman

Collins

Fullilove, Hedgepeth and Lowery did not cast a vote

Boyd was absent

APPROVED

40. RESOLUTION AMENDING THE FY2010 OPERATING BUDGET, BY APPROPRIATING \$2,000,000.00 TO THE MED, FOR A ONE TIME EMERGENCY GRANT, TO ENSURE THIS INSTITUTION'S DOORS REMAIN OPEN. (Held from 2/23)

MOTION: Morrison – Resolution contingent upon County providing single source funding

SECOND: Flinn

AYES: Flinn, Lowery, Morrison and Strickland

NAYS: Brown, Fullilove, Halbert, Ware and Chairman Collins

Conrad and Hedgepeth did not cast a vote

Ford abstained Boyd was absent

FAILED, set up as Special Item #4

MOTION: Strickland – Payment contingent upon the County agreeing to consolidation of

our Fire Departments

SECOND: Flinn

AYES: Conrad, Flinn, Lowery, Morrison, and Strickland NAYS: Brown, Fullilove, Halbert, Ware and Chairman Collins

Ford abstained

Hedgepeth did not cast a vote

Boyd was absent

FAILED, set up as Special Item #5

MAIN MOTION: Brown SECOND: Ford

AYES: Brown, Ford, Fullilove, Lowery, Ware and Chairman Collins

NAYS: Conrad, Flinn, Halbert, Morrison and Strickland

Hedgepeth did not cast a vote

Boyd was absent

APPROVED

41. RESOLUTION AMENDING THE FY2010 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$1,940,278.00 FUNDED BY G.O. BONDS-GENERAL, FOR THE METAL MUSEUM N. BLUFF REPAIR, PROJECT NUMBER PW04073 AND FOR A CONSTRUCTION CONTRACT WITH CHRIS HILL CONSTRUCTION, PLUS POTENTIAL UNCERTAINTIES. RESOLUTION FUNDING EMERGENCY REPAIRS TO STABILIZE THE BANK AT THE NATIONAL ORNAMENTAL METAL MUSEUM TO PROTECT THE FOUNDRY BUILDING.

MOTION: Strickland SECOND: Ware

AYES: Conrad, Flinn, Ford, Lowery, Morrison, Ware and Chairman Collins

Brown, Fullilove, Halbert, Hedgepeth and Strickland did not cast a vote

Boyd was absent

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of April 13, 2010 for items 17, 24, 36, 41, 45 with the following motion:

MOTION: Ware SECOND: Fullilove

AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Strickland, Ware and

Chairman Collins

Hedgepeth, Lowery and Morrison did not cast a vote

Boyd was absent

APPROVED, set up as Special Item #6

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Collins recognized the following people who spoke from the audience:

Walter Broady, III, 4256 Ledbetter Cove, Mphs, TN 38109

ADJOURNED MEETING AT 7:55 P.M.

Upon statement of the Chairman, without objection, the m Chairman.	eeting was adjourned, subject to the call of the
	C H A I R M A N
Attest:	
Deputy Comptroller/Council Records	